The rejection of Claims 1-20 under 35 U.S.C. §103 based upon *Pfaff, et al* and *Cairns* should be withdrawn

There is no *prima facie* case of obviousness. Neither of the references teach what the Examiner contends.

Applicants respectfully disagree with the Examiner's interpretation of column 5, lines 56-57 of *Pfaff, et al.* The Examiner suggests that the "input signal associated with the engine induction noise" of *Pfaff, et al.* is the same thing as "at least one noise source sound." That is incorrect. Column 7, lines 23-27 of *Pfaff, et al.* indicate that "the noise controller 26 is able to generate a separate input signal for each channel." A signal generated by the controller 26 is not the same thing as a sound from a noise source. The "input signal" in *Pfaff, et al.* is generated by the controller based upon a determination of a count of revolutions of the engine as described, for example, in column 6, line 65 through column 7, line 27.

Pfaff, et al. does not involve or suggest "selecting at least one noise source sound as a calibration reference" as suggested by the Examiner on page 3 of the Office Action. Without that, there is no *prima facie* case of obviousness.

Additionally, Applicant respectfully disagrees with the Examiner's interpretation of paragraph 0014 of the *Cairns* reference. There is nothing in paragraph 0014 that has anything to do with "comparing an actual system response to an expected system response to allow for calibration" as suggested by the Examiner on page 3 of the Office Action. Paragraph 0014 is concerned with detecting a vehicle condition such as the position of a seat. There is no discussion of calibration. There is no discussion of any difference between an actual system response and an expected system response in

paragraph 0014. Additionally, Applicant cannot find any indication in the *Cairns* reference of any comparison between an actual system response and an expected system response "to allow for calibration" as suggested by the Examiner. Without that, there is no *prima facie* case of obviousness.

If even one aspect of the Examiner's interpretation of the references was not actually present in the references, there would be no *prima facie* case of obviousness. In this case, at least two of the features the Examiner contends are found in the references are not there. Therefore, there clearly is no *prima facie* case of obviousness.

Additionally, the proposed combination cannot be made. Even if the *Pfaff, et al.* reference and the *Cairns* reference taught what the Examiner contends, the *Pfaff, et al.* reference cannot be modified in the manner suggested by the Examiner because that would change the principle of operation of the arrangement in that reference. The Examiner admits that the *Pfaff, et al.* reference does not calibrate to accommodate for differences between a determined actual system response and an expected system response on page 3 of the Office Action. If one were to first of all somehow find that in the *Cairns* reference and then incorporate that into the *Pfaff, et al.* reference, that would change the principle of operation of the *Pfaff, et al.* reference. MPEP 2143.01(VI) prohibits a modification to a reference that would change the principle of operation of the arrangement in that reference. Therefore, the Examiner's proposed combination cannot be made and there is no *prima facie* case of obviousness.

For any one of the above reasons, the rejection must be withdrawn.

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The rejection of Claims 21 and 22 under 35 U.S.C. §103 based upon *Pfaff, et al.*, *Cairns* and *Nadim* should be withdrawn

As already described, the *Pfaff, et al.* and *Cairns* references do not establish a *prima facie* case of obviousness against any of Applicant's claims. The proposed addition of the teachings from *Nadim* does not remedy the defect in the base combination of *Pfaff, et al.* and *Cairns*. The base combination of those two references cannot be made as described above. Moreover, even if all three references could be combined, the result is not what the Examiner contends because the *Pfaff, et al.* and *Cairns* references do not teach what the Examiner attributes to them in the Office Action. There is no *prima facie* case of obviousness and the rejection must be withdrawn.

Conclusion

This case is in condition for allowance. Applicant respectfully requests a Notice of Allowance as soon as possible as this case has now been pending for 4-1/2 years.

Respectfully submitted,

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Dated: January 30, 2008

CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10/606,981, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on January 30, 2008.

Theresa M. Palmateer

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